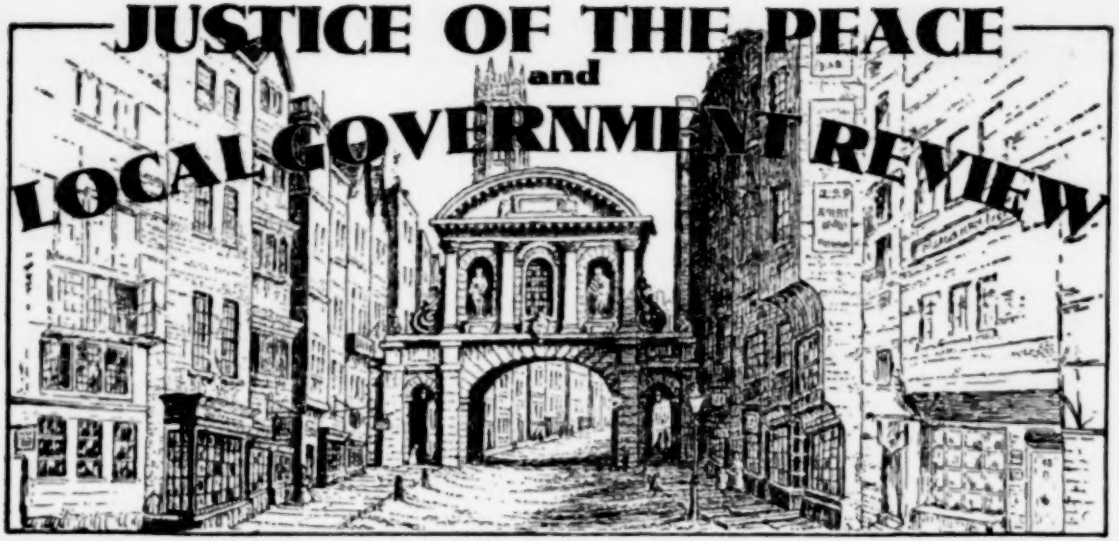

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LEGACIES
FOR ENDOWMENT

THOSE making or revising their Wills may like to consider benefiting some selected aspect of Church Army Social or Evangelistic work by the endowment of a particular activity—thus ensuring effective continuance down the years.

Gifts—by legacy or otherwise—will be valued for investment which would produce an income in support of a specific object, of which the following are suggestions:—

1. **Training of future Church Army Officers and Sisters.**
2. **Support of Church Army Officers and Sisters in poorest parishes.**
3. **Distressed Gentlewomen's Work.**
4. **Clergy Rest Houses.**

Preliminary enquiries will be gladly answered by the

Financial Organising Secretary
THE CHURCH army
55 Bryanston Street, London, W.1

A Recommendation to Mercy

In recommending a bequest or donation to the RSPCA you may confidently assure your client that every penny given will be put to work in a noble cause. Please write for the free booklet "Kindness or Cruelty" to the Secretary, RSPCA, 105 Jermyn Street, London, S.W.1.

REMEMBER THE
RSPCA

MISS AGNES WESTON'S
ROYAL SAILORS RESTS
PORTSMOUTH (1881) DEVONPORT (1876)
GOSPORT (1942)

Trustee in Charge:
Mrs. Bernard Currey

All buildings were destroyed by enemy action, after which the Rests carried on in temporary premises. At Devonport permanent quarters in a building purchased and converted at a cost of £50,000 have just been taken up whilst at Portsmouth plans are well advanced to build a new Rest when permission can be obtained.

Funds are urgently needed to meet heavy reconstruction commitments and to enable the Trustees to continue and develop Miss Weston's work for the Spiritual, Moral and Physical Welfare of the ROYAL NAVY and other Services.

Gifts may be earmarked for either General or Reconstructional purposes.

Legacies are a most welcome help

Not subject to Nationalisation.

Contributions will be gratefully acknowledged. They should be sent to the Treasurer, Royal Sailors Rests Buckingham Street, Portsmouth. Cheques, etc., should be crossed National Provincial Bank Ltd., Portsmouth.

Official Advertisements, Tenders, etc.

Official Advertisements (Appointments, Tenders, etc.), 2s. per line and 3s. per displayed headline. Miscellaneous Advertisements 24 words 6s. (each additional line 1s. 6d.) Box Number 1s. extra. *Latest time for receipt—9 a.m. Wednesday.*

None of the vacancies in these columns relates to men and women coming within the provisions of the Control of Employment Order, 1947, S.R. & O., No. 1021, or the vacancy is for employment excepted from the provisions of the Order.

URBAN DISTRICT OF CHERTSEY

Deputy Clerk of the Council

APPLICATIONS are invited from solicitors for the appointment of Deputy Clerk of the Council.

Salary in accordance with Grade VIII of the A.P.T. Division of the National Scales of Salaries, *viz.*: £685—£760 per annum.

Further particulars, conditions of appointment and forms of application may be obtained from the undersigned, to whom applications should be delivered in envelopes endorsed "Deputy Clerk," not later than Saturday, March 25, 1950.

A. REX HERBERT,
Clerk of the Council.

Council Offices,
Chertsey,
Surrey.
March 6, 1950.

METROPOLITAN BOROUGH OF PADDINGTON

Appointment of Assistant Solicitor

THE Council invite applications for the permanent appointment of Assistant Solicitor on Grade IX of the A.P.T. Division of the National Joint Council's scale, namely £780 × £50 to £930 p.a. (inclusive of London weighting). The commencing salary will be fixed within the above grade according to experience and qualifications. Applicants should have sound knowledge and experience in advocacy, conveyancing and general legal work including the preparation of contracts and agreements. Previous Local Government experience will be an advantage.

The candidate appointed will be required to produce a certificate of birth, pass an examination by the Council's Medical Examiner; devote the whole of his time to the duties of the office, and not be directly or indirectly concerned in any business other than that of the Council without express permission in each case to be given by resolution of the Council. The appointment will be subject to the conditions of service of the National Joint Council for Local Authorities' Administrative, Professional, Technical and Clerical Services and to the provisions of the Paddington Borough Council (Superannuation and Pensions) Acts.

Applications, stating (*a*) age, (*b*) war service, (*c*) professional and academic qualifications and date of admission, (*d*) present appointment and salary, (*e*) previous appointments and salaries, (*f*) experience, including Local Government work (if any), and giving the names of three persons to whom reference may be made, should be sent in an envelope marked "Assistant Solicitor," so as to be received by the undersigned not later than March 22, 1950.

Canvassing, either directly or indirectly, will disqualify.

W. H. BENTLEY,
Town Clerk.

Town Hall,
Paddington, W.2.
March 6, 1950.

SHIPLEY URBAN DISTRICT COUNCIL

Appointment of Clerk and Solicitor

APPLICATIONS are invited from qualified solicitors for the above-mentioned appointment at a salary of £1,250 per annum, rising, by annual increments of £50 to £1,400 per annum. The appointment will be subject to the terms and conditions (with one exception) in the Second Schedule to the Memorandum of the Joint Negotiating Committee for Town Clerks and District Council Clerks.

A Memorandum containing further details and particulars of the information to be included in applications can be obtained from the undersigned to whom applications should be forwarded so as to arrive by **March 31,** 1950.

HAROLD S. HASLAM,
Clerk and Solicitor.

Town Hall, Shipley.
February 22, 1950.

BOROUGH OF KING'S LYNN

Appointment of Second Assistant to Clerk to Justices

APPLICATIONS are invited for the appointment of a second assistant to the Clerk to the Borough Justices.

Applicants should have general magisterial experience; be able to keep the accounts, court registers and other records, and take depositions. Shorthand and typewriting essential.

Salary in accordance with the Clerical Division of the National Scale (£395-£440).

The successful candidate will be required to pass a medical examination and to contribute to the King's Lynn Borough Council Superannuation Fund. Applications, stating full details, age and experience, with two testimonials, to the undersigned.

WILLIAM BARON,
Clerk to the Justices.

48, King Street,
King's Lynn.

CITY OF BIRMINGHAM

Appointment of Full Time Male Probation Officer

APPLICATIONS are invited for the above appointment.

Applicants must not be less than 23 years nor more than 40 years of age.

The appointment will be subject to the Probation Rules, 1949, and the salary will be in accordance with the prescribed scale.

The successful applicant will be required to pass a medical examination.

Applications stating age, present position, qualifications and experience, together with copies of three recent testimonials, should be addressed to me within fourteen days from the publication of this advertisement.

T. M. ELIAS,
Secretary to the Probation Committee.

Victoria Law Courts,
Birmingham, 4.

CORNWALL COMBINED PROBATION AREA

Appointment of Full-time Male Probation Officer

APPLICATIONS are invited for the appointment of a full-time Male Probation Officer for the Western Area of the County of Cornwall.

The appointment will be subject to the Probation Rules, 1949, and the Probation Officers (Superannuation) Order, 1948, and the salary will be in accordance with the scale prescribed by the Rules. The successful candidate will be required to pass a medical examination. The officer will be required to provide a motor car and an allowance will be paid in accordance with the scale adopted by the Probation Committee for the Combined Area.

Applications, stating age, qualifications and experience, and accompanied by copies of not more than three recent testimonials must reach the undersigned not later than March 31, 1950.

E. T. VERGER,
Clerk of the Cornwall Combined Probation Area Committee.

County Hall,
Truro.

COUNTY OF SURREY

Petty Sessional Division of Wallington

APPLICATIONS are invited for the appointment of Second Assistant in the office of the Clerk to the Justices for this Division.

Applicants should be experienced in the general duties of a justices' clerk's office, including the keeping of magisterial accounts. They should be able to take a second court without assistance, and a knowledge of typewriting is essential.

Salary in accordance with Grade A.P.T. III of the National Scale (£450 x £15—£495 plus £20—£30 London Weighting according to age). The post is superannuable under the Local Government (Superannuation) Act, 1937.

Applications stating age, and particulars of experience and copies of two testimonials to be sent to the undersigned by March 25th, 1950.

A. J. CHISLET,
Clerk to the Justices.

18, Stanley Park Road,
Wallington, Surrey.

LINDSEY (LINCS.) COUNTY COUNCIL CHILDREN'S COMMITTEE

APPLICATIONS are invited in connexion with the appointment of Senior Children's Welfare Officer. Salary Grade A.P.T. III of the National Scale (£450 rising to £495 per annum).

Applicants should hold a Social Science Diploma or equivalent qualification.

The person appointed will be mainly responsible for implementing the Council's boarding out policy, and preference will be given to candidates with experience in this particular field of child care. The successful candidate will be required to provide a car, for which an allowance will be paid.

Applications, stating age, qualifications and experience together with the names of three persons to whom reference may be made, should reach the undersigned not later than Saturday, March 25, 1950.

Canvassing is prohibited; relationship to a member or senior official of the Council must be disclosed.

H. COPLAND,
Clerk to the County Council.

Justice of the Peace
and
Local Government Review
[ESTABLISHED 1837.]

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NOTES of the WEEK

Connivance

In dealing with allegations of adultery in matrimonial cases, magistrates sometimes have to consider the difficult question whether there has been connivance on the part of the complainant. By s. 11 (3) of the Matrimonial Causes Act, 1937, magistrates are prohibited from making an order on the ground of adultery unless they are satisfied that the applicant has not condoned or connived at, or by his or her wilful neglect or misconduct conduced to the adultery. There is also a reference to connivance in s. 6 of the Summary Jurisdiction (Married Women) Act, 1895.

What amounts to connivance was considered by Hodson, J., in *Mudge* v. *Mudge* (*The Times*) February 8. The respondent pleaded that if she had committed adultery it was connived at by her husband, and that he was accessory to it, in that he was present and kept the respondent and the co-respondent within sight or hearing and failed to prevent the adultery.

The learned judge found the charge of adultery was made out. On the question of connivance he referred to the judgment of the President in *Churchman* v. *Churchman* [1945] 2 All E.R. 190 in the course of which he said : "It is of the utmost importance to bear in mind that the issue is whether, on the facts of the particular case, the husband was or was not guilty of the corrupt intention of promoting or encouraging the initiation or the continuance of the wife's adultery."

In the present case, said Hodson, J., the petitioner was watching with inquiry agents, and through a window saw the adultery take place. In his, the learned judge's, opinion, the position was the same as if the petitioner, suspicious of his wife, had employed agents instead of watching himself. If a man did not lull his wife, about whom he had suspicions, into a false sense of security, it was not by any means to be inferred that he was guilty of a passive acquiescence because he watched her when he was suspicious. To hold otherwise would drive the court into the position of rejecting the petitions of men who had employed others to watch for them. The petitioner in this case had not been guilty of connivance.

Imprisonment in Default of Recognizance

If a person who has been ordered to enter into a recognizance, with or without sureties, fails or refuses to do so, what is the term of imprisonment to which he is liable if the court is a court of summary jurisdiction ? This is a question we have heard discussed, and upon which there is evidently a difference of opinion.

To answer, without qualification, that six months is authorized by s. 25 of the Summary Jurisdiction Act, 1879, is to take too hasty a view. That section prescribes a maximum term of six months where the section applies, and in terms it applies only where there has been a complaint against some person upon which the court adjudges the defendant to keep the peace or to be of good behaviour towards the complainant. The making of a complaint may be dispensed with when the defendant is before the court on another charge, *ex parte Davis* (1871) 35 J.P. 551, but it seems clear that the section is intended to apply only to cases where there is a complainant who may ask that the defendant be bound over to keep the peace or to be of good behaviour towards him, and not generally to all cases in which the court has power to bind over to keep the peace and be of good behaviour.

Perhaps the safest way of applying s. 25, with its drastic power of imprisonment, is to limit it to cases where there is a person who, whether or not he has made a formal complaint, is at all events a person who seeks protection because he apprehends some danger from the defendant. Obviously the section is designed to meet the case of threats, and it may safely be used in such cases. Where, however, a statute confers a specific power to bind over with sureties, *e.g.*, the Licensing Act, 1902, s. 3, and there cannot be said to be a complainant in respect of whom the defendant is to be specially bound over, s. 25 of the Act of 1879 seems hardly applicable. In such cases, it is safer to treat s. 34 of that Act as applicable, and to regard two months as the maximum period of imprisonment that can be imposed if the defendant fails to comply with the order to enter into recognizances or to find sureties.

The Work of the Nottingham Justices

In a single booklet, the justices for the City of Nottingham have issued reports of the Office and Probation Committees, the Licensing Justices, the Compensation Authority, and the Justices of the Juvenile Court Panel, for the year 1949.

From the report of the Office Committee of the Justices it appears that there has been a substantial increase, from 177 in 1948, to 255 in 1949, in the number of prosecutions for dangerous or careless driving. Whether this is due to greater activity on the part of the police or to a real deterioration in the standard of driving can best be judged by those on the spot, but it certainly calls for some inquiry.

From the same report we learn of an increase in the number of legal aid certificates granted by the justices. The report states : "The refusal of certificates has only arisen in cases where defendants could afford to instruct a solicitor, and where defendants in receipt of good wages have recklessly squandered their money, and to grant certificates in such cases would have been an utter disregard of public funds."

That the holding of special courts for certain types of work is worthwhile is shown by the statement : "It is considered that the hearing of summonses under the Education Act, 1944, in respect of school attendance at special afternoon courts is a great improvement on the old practice of taking them in their turn in the daily court list and this is borne out by the number of defendants who appear in answer to the summonses issued."

There is again a comment on the large amount paid in under matrimonial and affiliation orders, large in comparison with the amounts collected in certain other great cities. The only explanation advanced is that in Nottingham, women are advised to take action promptly for enforcement of arrears. In this connexion it will be interesting to observe the effect of s. 4 of the Married Women (Maintenance) Act, 1949, which imposes new duties on collecting officers.

In the report of the Probation Committee, reference is made to the increase of work that will devolve upon probation officers in respect of after care. The justices welcome the legislation which has provided for the more efficient supervision of persons licensed from institutions, and recognized that many of these cases require quite as much attention as do probationers—a fact which must be borne in mind in estimating the amount of a probation officer's work.

The Juvenile Court Panel is able to record a welcome and substantial decrease in its work. Charges, summonses and applications totalled 519 in 1949 against 675 in 1948. The number of juveniles involved was 452 as against 594, and charges of larceny fell by 103.

The Tale of a Fly

The whole case depended on a fly. It was not what one would describe as a handsome fly as the little creature had become mummified during the three months it had been kept awaiting the trial of a merchant who had sold an "iced lolly" in which the said fly was alleged to have been found refrigerated.

Quite a lot of argument went over the mummified exhibit—doubts were cast on its origin; legal decisions were cited; keen attacks were made on the evidence for the prosecution and the veracity of its witnesses, but in due course a conviction was registered. Thereupon, the prosecutor asked for the return of his exhibit, but, as is the way with flies, it could not be found. Theories that it had been revived by the warm air of the court and taken wing were not given much credence. Bench, clerk, advocates, witnesses—all searched anxiously and actively for the missing corpse. The search was rendered the keener by defending counsel threatening that he was going to appeal. It was useless! No fly could be traced, and just as the search was about to be abandoned a cry went up from a keen-eyed police officer. There, by the feet of the learned clerk lay the disintegrated remains of a fly, undoubtedly the exhibit, now become one with the floor on which it lay, with a leg or two lying around in aloof detachment. Were the remains worth re-assembling? Could the witness ever swear again that that smear of black and those two legs constituted the fly that had soiled the freshness of his lolly? The problem was given up, the remains swept away. The fly had fulfilled its purpose. But what if they do appeal?

Evidence of a Child

In *R.* v. *Reynolds*, [1950] 1 All E.R. 335, the Court of Criminal Appeal quashed a conviction for indecent assault where part of the evidence was that of a girl aged twelve said to be mentally retarded, whose unsworn testimony was admitted by virtue of s. 38 (1) of the Children and Young Persons Act, 1933.

When the question of admitting her evidence was raised, the chairman of quarter sessions, holding that this was a matter for his decision, asked the jury to retire, and in their absence he heard evidence given by a school attendance officer about the girl. The Court of Criminal Appeal held that this was wrong, and that this was not one of the rare instances, such as discussion about the admissibility of evidence of confession, in which the jury should be absent from the court.

Since there is no jury in a magistrates' court this particular question could not arise there. However, the case is of interest to magistrates, even if they do not sit at quarter sessions, because of observations made by the Lord Chief Justice in the course of delivering the judgment of the court. "No member of this court has ever known of a case in which a witness has been called to inform the court whether or not a child is fit to give evidence. I am not saying that there may not be cases—perhaps this is one—in which the judge or chairman may want some such assistance, especially if he hears that the child is at a particular sort of school. It is not on that ground that the court thinks that there has been a fatal mistake here."

Marriages: Consents and Dissents

A small point which has caused occasional difficulty in regard to marriages may be plainer since the consolidation of the existing marriage law by the Marriage Act, 1949. At several places in 101 J.P.N. 663, and onwards up to p. 815 we discussed, and published letters from correspondents who had views upon, the question whether a marriage by banns could take place on the strength of consent by a court under the Guardianship of Infants Act, 1925. The point cropped up again in P.P. 2 at 113 J.P.N. 165. The difficulty arose from the careless draftsmanship (which is to be found not merely in the section dealing with this matter) of the Guardianship of Infants Act, 1925. The Marriage Act, 1823, regularizing the system of banns in church which had existed for many centuries, provided expressly that where banns of an infant were published certain persons might dissent, and the banns should thereupon be void. The Act did not say that a marriage should not take place between the parties so long as either was an infant. That is to say, it left it open to them to proceed by licence, though there was provision elsewhere for the case where persons entitled to do so objected to the issue of a licence for an infant's marriage. When in 1836 the system of civil marriage was introduced, with provision for marriages not merely upon certificate but also upon licence issued by the superintendent registrar, which licence could under certain safeguards be used not merely for a civil marriage but also in a place of worship including a church or chapel of the established church, it became possible for an infant to be married upon such a licence, in a church where the incumbent was willing to allow the marriage to take place. The Guardianship of Infants Act, 1925, required certain consents for the issue of a licence, with provision for the Registrar General to authorize it in exceptional cases, and for applying to the court where requisite consents were refused, but it did not give power for the court to overrule the dissent of the parent or other proper person in the case of banns, *i.e.*, the enactment of 1823, saying that the banns were void, remained. The more general opinion, therefore, was after 1925 that parties who relied upon consent given by the court should have their marriage celebrated either civilly or in a place of worship where it could be celebrated by licence, although the question was still, strictly speaking, open, whether (after banns published had been rendered void by dissent) consent by the court followed by fresh banns would support a marriage if there was again a dissent. The answer to this question is, we think, less obscure under s. 3 of the new Act which is set out at p. 85 *ante*. Subsection (1) deals only with marriages solemnized on the authority of a certificate, whether by licence or without licence, issued by a superintendent registrar. Subsection (2) applies the same provisions to marriages solemnized on the authority of a common licence, that is to say, a licence from a bishop or his authorized representative, with the appropriate substitution of the Master of the Faculties for the Registrar General. Subsection (3)

deals separately with dissent and consequent avoidance of banns, there being in subs. (3) no provision for recourse to the court or anybody else. The result must be that dissent from banns is always effective where one of the parties is an infant, even though the court has consented, and that infants desiring to marry in face of parental objection will therefore have to have recourse either to a common licence or to a licence from the superintendent registrar. It should perhaps be added that s. 79 (6) ensures that nothing in the Act shall interfere with the operation of a special licence, which remains (as it was before) quite apart from the operation of the law in regard to the other two species of licences and the law with regard to banns. We make this point because of the very common misuse of the word " special " amongst the public and amongst journalists and novelists, leading to confusion (which could hardly occur amongst our own readers) between a licence from the bishop or from a superintendent registrar on the one hand and a special licence on the other.

Election Reflections

The balance of advantage which may ensue to local government from the revised strengths of Parliamentary political parties is not easy to determine. This difficulty is partly due to absence of sure information about the intention behind the action of the recent Government in dissolving the Local Government Boundary Commission. It is impossible not to think that the outline of the new structure formulated by the late Commissioners in their three reports was unacceptable to the then Government, nor that no alternative was in mind.

A comparatively innocuous interpretation of the reticence of both the major parties on issues specifically affecting local government is typical electioneering guile hopeful that hostility would be dodged and support retained, or even, if opponents toppled from the proverbial fence, attracted. At first glance, new circumstances appear to enhance the likelihood of continued reticence. Neither party will willingly make a clear declaration on so contentious a matter as a new structure for local government. Both are, however, more vulnerable to pressure. In fact, the result of the next appeal to the electorate, which can hardly be long delayed, may be determined more by positive statement of constructive intentions than by generalizations.

Redistribution of local rate burdens, largely effected by the Local Government Act, 1948, revision of the education grant formula, and transfer of varying expenditures on hospitals and poor relief from local rates, probably made a material contribution to the outcome of the election. Benefits received from social legislation are apt to be noticed less than payments for them, especially if, as in the present case, payments have commenced to be required from a class accustomed to meeting, and preferring to meet, their personal obligations and requirements in ways chosen by themselves. More than that, whether or not benefits and compulsory contributions have yielded, or may eventually yield, a credit balance to individual contributors, the suspicion has always been present that contributions, new or increased, were designed to make a subtraction from the middle and higher income groups in furtherance of equalitarian principles.

Doubtless, rising prices for goods and services in the post-war period would have been reflected in higher local rate levels, and it may be that additions to rate demands in many areas are in reasonable proportion with the upward movement in prices generally, though the relationship is a more or less accidental result of the redistribution of rate burdens flowing from, or incidental to, post-war legislation affecting local authorities' finances and functions. Most ratepayers, however, have neither the information nor the inclination to reason out the causes of increased demands, but are more likely to take the obvious view that these are merely one of the great variety of taxes of doubtful personal value. Half-yearly collection means, nowadays, that the burden is severely felt by many householders, human improvidence or lack of budgetary organization being what it is.

One piece of information which has become known, perhaps rather vaguely, in areas where present rate demands show a substantial increase, is that demands in some other areas have undergone a marked reduction, understood, again rather vaguely, to be due to Governmental action. Movements in the level of local rates are, of course, far from being a preponderant factor in a Parliamentary election, and many effects produced by Governmental action, or acquiescence, in the general economic sphere are built into the picture visualized by the electorate. Nevertheless, it may be that the " swing " in the suburban area of Greater London, which has made a material contribution to the altered representation of the parties, was induced to a greater extent than so far recognized by a view, possibly more instinctive than distinctive, that the marked increase of local rate burdens, compared with more remarkable decreases in some other areas, was something imposed on that suburban area by socialist legislation.

Approximation to equality in the contending Parliamentary forces will sharpen and maintain interest in moves and countermoves in the political arena to an unusually high degree. Diversion of electoral attention from local to national affairs used to be a reason advanced for low percentage polls at local government elections. For some time to come, it seems that the interest of electors in all matters affecting the government of this country will be so quickened that every aspect, including the local ones, will receive attention in unusually full measure. Local authorities appear to have been presented with an opportunity to extend their influence by utilizing the brighter limelight to show the advantages derivable by the community from arduous efforts on their behalf. Refreshment of a still widely held belief in advantages of locally administered government would arrest a tendency towards further bureaucratization and hold the possibility of a more prominent and effective position for local authorities in whatever the future structure may be.

Incomes and Outgoings

A decision to terminate a salaries agreement, taken by an organization representing the bulk of the teaching profession, who were recently unsuccessful in a claim for an increase of basic salary by £150 a year, will create considerable interest in a wide field. Continued rise of the cost of living (by thirteen *per cent.* as measured by the United Kingdom interim index of retail prices since mid-1947) is a factor sharpening questions in the sphere of public administration, containing a high proportion of the " fixed income " group.

A lower rate of increase in the " salaries " than the " wages " component of the national income since 1938, as shown in an annual Treasury command paper, is far from being an incontrovertible reason for re-adjustment. Some would argue that this, and many other, altered economic relationships are now more appropriate. Nevertheless, right or wrong, members of income groups prejudicially affected will incline towards upward revision, especially if there is unfavourable disuniformity, evident in certain directions, in the application of Governmental policy of general stabilization.

To some extent, machinery for settlement of rates of pay, largely evolved during the inter-war years, has been outmoded by events, notably by the great enlargement of State intervention

in economic and social organization, the exertion of political influence by industrial trade unions, and full employment. A consequence is that central government is more or less bound to be concerned with important sectional pay adjustments liable to provoke external reactions, including the allocation of the national labour force.

No ultimately useful purpose is necessarily served if higher pay, however well-merited, in some occupations denudes others of their requisite strength and quality. Difficulty in obtaining recruits for and retaining members of the police force has been partly due to relative advantages secured by other occupations during and since the war.

A fact which has been faced, somewhat half-heartedly, but has not apparently evoked adequate positive action so far, is the lack of systematic investigation, through a co-ordinative body, of the merits and indirect effects of raising remuneration in particular branches of the public services and other occupations. Comparative rates of pay in some of the new national services might have been lower if more impartial assessments had been made.

One upshot is a growing volume of discontent, and impairment of efficiency, from which the Civil Service is not immune, in parts of the public service where levels of remuneration have not been revised for several years. Ripples now appearing on the surface seem likely to be followed by greater disturbances in the near future. Methods of treatment may need to be more comprehensive than in the past.

KNEESWORTH HALL APPROVED SCHOOL

By E. L. PACKER

Articles in the press about approved schools either paint a glowing picture of the wonderful response made by the delinquents to training or list sensations and revelations about rioting and absconding. The truth is to be found in neither of these extremes.

It is too early to make any extravagant claims for Kneesworth Hall; sufficient to say that it has made an encouraging start. The Hall was opened in June, 1949, as an approved school for intelligent boys of the fifteen to seventeen age group. The managers are drawn from university circles in nearby Cambridge, with the Rev. C. E. Raven, M.A., D.D., Regius Professor of Divinity and until recently Vice-Chancellor of the University of Cambridge, as chairman. The other managers are Lady Bragg, Mr. R. G. Briscoe, Dame Myra Curtis, O.B.E., Mr. F. F. C. Edmonds, Mr. E. Farmer, Mr. B. E. King, Mr. H. W. Liddle, Mrs. Marr, Mr. H. Morris, Mr. D. E. Mumford, Mrs. C. D. Rackham, Mr. J. E. Raven, Mr. R. H. Thouless, Ph.D., Mr. and Mrs. J. W. C. Turner, and the Rev. D. A. Whitwam.

The establishment of an approved school, open prison or borstal institution in any district is almost certain to arouse hostility. This initial antagonism has almost entirely disappeared in the neighbourhood of Kneesworth Hall. One of the reasons is that, since its foundation and up to the time of writing, no boy has absconded from the school, and the depredations expected from boys "on the run" have not materialized in consequence.

Contact with the local people is encouraged; an instance was forthcoming at the inaugural meeting of the Bassingbourn Young Farmers' Club. A boy from the school, who is keen on farming and enthusiastic about horses, attended the gathering and invited the club to hold its subsequent meetings at Kneesworth Hall. The offer was much appreciated.

The headmaster is Mr. M. M. Simmons, M.A., a former Home Office inspector of approved schools. It is not often that the critic chooses to become the performer, and for this reason alone there is no doubt that the choice of headmaster will make many people watch the progress of the school with greater interest than they would otherwise have done.

The Home Office is endeavouring to place delinquents committed to approved schools in the particular establishment most suited to the age and ability of the child. This classifying system has taken a step nearer completion with the establishment of Kneesworth Hall, for hitherto there had been no school specifically intended for the boy whose intelligence is above normal. The I.Qs. of the Kneesworth Hall boys range from 103 to 145 on the Terman-Merrill tests. It will be appreciated therefore that these lads are of technical and grammar school standard. In fact, ten of the fourteen boys in residence when I visited the Hall had previously been in attendance at educational establishments of this type. The remainder had had to content themselves with education at the secondary modern school level.

The school is planned to accommodate fifty boys, but it will be some considerable time before this number is reached. There are not many intelligent delinquents. Indeed, it is generally accepted that one of the hall-marks of the anti-social child is his poor intelligence. The transgressor who is educationally above normal is the exception, and for this reason the flow of entrants into Kneesworth Hall will be slow.

This is to the school's advantage in one respect. There is no danger of rival gangs of old hands and freshmen being formed, because the intake at the moment is only two or three a month. This rate allows newcomers to be assimilated into the existing group before other entrants arrive.

The Hall is in the process of being redecorated and an ablution block is being added. The school architect, Mr. R. Rathbone, who is on the staff of the Cambridge University Estate Management Board, has devised what appears to be an entirely new system of colour gradation, and the Hall is being decorated in accordance with his ideas. Later it is proposed to build houses for the staff in the grounds, but it will be some years before this scheme comes to fruition. For the present, the headmaster and the teaching and domestic staffs have their own quarters either in the Hall itself or in the outbuildings. As the headmaster and the three assistant teachers are all married and have young families, meal-times in the communal dining room have a pleasant homely atmosphere.

It may seem a small thing that teachers, their wives and children and the boys should have their meals in the same room at the same time, but the effect on the relationship between staff and scholars is, I am sure, considerable. I have noticed the same thing at probation hostels; eating together breaks down the "we" and "they" attitude upon which resentments can fasten.

I felt during my short stay at Kneesworth Hall that there was—in spite of the upset caused by builders and painters—a contented atmosphere about the school. There are several possible reasons for this not inconsiderable achievement, the first being the pervading spirit of family life to which I have alluded. Secondly, the boys do appreciate the efforts which are

being made to give them an education or training suited to their ability. Scholars at other approved schools may feel equally appreciative, but I have never heard it voiced before. The entrant who is despondent because he thinks his chances of higher education have vanished is quickly disabused of this notion. His preference in the matter of a career is sought, his ability and aptitudes are discussed with him. He is encouraged to think of himself in ten years time in a career of his own choosing. Then fantasy is pruned down to reality for it is essential that a lad's ambition should be within the range of accomplishment. "I see myself as a solicitor," remarked one lad when his future was under discussion. It was pointed out to him that the Law Society's approval is essential before this profession can be entered, and that this approval is not likely to be forthcoming to anyone who has infringed the criminal code.

This business of selecting a course of study for a particular job is not hurried. Until a boy is certain in his own mind of what he wishes to do with his life he is set to work in one of the departments—the engineering workshop, the carpenter's shop, or the garden. In the school library he can find all the Career Series of booklets published by the Ministry of Labour, which give the qualifications required and method of entry into many types of employment where brains are needed.

Of the fourteen lads in residence when this article was written, two were newcomers and the question of their future had not been broached. One of the remaining twelve was still in a state of uncertainty hovering between librarianship and journalism—and will probably choose neither. Of the eleven who are working to some purpose, one is studying for matriculation, another for a commercial career with the R.S.A. examinations in book-keeping and English as a first step, two are specializing in horticulture, with the object of taking the Royal Horticultural Society's Junior Certificate in March, 1951, three are in the engineering workshop studying for the City and Guilds certificate in machine shop engineering, another is in the carpenter's shop learning to be a cabinet-maker and hoping to get the appropriate City and Guilds certificate in due course, two are helping to develop the school livestock, and the last attends a technical school in Cambridge where he is taking the course for pastrycooks.

One of the unwritten laws of institution life appears to be that the dullard who is incapable of doing a job in the workshops is sent to work in the gardens, and in consequence this employment carries a lowly status. At Kneesworth Hall, however, the specialist in horticulture has managed to transmit his enthusiasm for his subject to some of the lads, and those who have caught the infection are amongst the most intelligent in the school. As the R.H.S. examinations include papers in botany and entomology as well as horticulture these boys have a considerable amount of theoretical work to do. There is plenty of scope for this particular branch of study. The Hall stands in a hundred acres of grounds, fifty of which are let to a neighbouring farmer. The kitchen garden is extensive and well-stocked and the orchard has already been replanted with young trees.

The fact that many boys have examinations to work for seems to have driven out the idea that they are time-serving. At so many reform establishments the inmates know to a day how long they have to serve if they are of good behaviour, but at Kneesworth there was none of the "Do you think I shall be home again in eighteen months, sir?" type of question.

In the view of the headmaster and managers the co-operation of the parents is essential to help stabilize the boy during his residence at the school. This co-operation will only be forthcoming if the parents have confidence in the school and are told what it is hoped their son will gain during his stay there.

Parents do not, of course, conform to a pattern in their attitude to their son's delinquency. The disgrace of approved school committal may cause one set of parents to harden their hearts towards the boy. Others may think of the boy's feelings, as instanced by the parents of a Kneesworth lad who moved house after the boy's committal in order that he should not return to a neighbourhood which was aware of his delinquency.

If a change of attitude in the parents is necessary it can only be brought about by contact between them and someone representing the school. At Kneesworth an effort is being made to ensure that this contact begins not when the boy leaves the school (as it does in some approved schools to my knowledge), but immediately he enters it. The headmaster or a member of the staff visits the home of every newcomer within a few weeks of the boy's arrival, and sometimes the lad accompanies the visitor.

Letters and visits from parents are, of course, welcomed. This effort to maintain continuous contact with the homes of the boys is another reason, in my opinion, for the absence of a counting-the-days attitude in the lads.

The boy's co-operation is even more important than that of his parents. When he feels he belongs to a school and is not just thrust there for a period of incarceration his re-education has really commenced. This feeling of belonging to a school is partially achieved at Kneesworth Hall through the institution of the school meeting whereby a certain amount of self-government is granted to the lads. I shall describe this later.

No attempt has been made to ape the public school system by appointing a head boy or prefects. The arrangement works well enough in other establishments, but there is the possibility that at an approved school the boys chosen to act as the representatives of authority would get the resentment and antagonism of other boys directed towards them. It must be remembered that approved school boys have already shown their hostility towards society. If the prefectorial system was established and the obedience commanded by office holders was outwardly satisfactory, the relationship between boy and prefect would be an artificial one, for the prefect is authority's choice and not that of the boys themselves.

The indications are that the Kneesworth Hall boys tend to be individualists. This may be due to their good intelligence or to the fact that they are not adept at fitting in with a group—a factor which may have contributed to delinquency. They seem to lack the gregariousness and loyalty to a leader which is often found in less intelligent offenders. In fact no boy at present in residence has shown outstanding qualities of leadership, although in two or three of the lads they are undoubtedly latent. When a leader does emerge from the group the success or failure of the school, for a time at least, may well depend on whether or not he aligns himself with authority; whether he chooses to be a protagonist for society or its antagonist as so often in the past.

The school meeting is held once a week and all the boys and staff are present. The chair is taken by each of the boys in turn on a rota of seniority. The proceedings start by the chairman asking everyone in turn whether they have anything to bring to the notice of the meeting. New rules and regulations can be proposed, or old ones can be amended.

The boys are intelligent enough to appreciate the problems of school administration and the reason why rules are necessary. A minor matter, discussed when I was present, shows this. A lad raised the topic (frequently mentioned by Billy Bunter) of the postal order from home. Could it be cashed immediately it was received? He hoped so. After discussion it was agreed that the clerical staff ought not to be subjected to constant interruptions in order to cash postal orders, and it was decided

that money from home could be paid into the boy's account, or cashed if necessary, at 5.15 *p.m.* each day.

At the meeting I attended the assistant matron pointed out that, although it had been agreed at a previous meeting that the boys should clean the baths after use, in fact several boys had omitted to do so. There was a few seconds silence, and then one boy admitted he had forgotten to obey the regulation; he was echoed by one or two more. No penalty was imposed on that occasion, but the chairman gave a warning that culprits would have to make amends in future.

Bonus money is awarded each week by the meeting according to how well each boy has carried out his practical work and his studies during the week. Each boy is asked in turn by the chairman if he thinks he has performed his duties satisfactorily. He may say that he has, and then find that this assertion is challenged by other boys or members of the staff. If a charge of inefficiency or slacking is found to be proved the boy's bonus is reduced in accordance with the views of the meeting.

There are in addition some duties, such as rodding the drains (the Hall has cesspool sanitation), for which the meeting awards an additional bonus of sixpence a week—this is not a payment but an appreciation of the willingness of the particular boys to perform them. The usual system in schools, prisons and borstals is to grant privileges in return for good behaviour and in accordance with seniority. At Kneesworth Hall the newcomer is granted all privileges forthwith, but these can be withdrawn if he misconducts himself. Pocket money is 1*s.* per week, to which bonus money is added, and money from home can be drawn from credit accounts to make a total of not more than 5*s.* in any week. Those boys who smoke are allowed cigarettes to the value of 3*s.* 3*d.* each week in addition to their pocket money if they have this amount to their credit in the school bank.

Sport does not play a large part in school life at the moment because of the small number of boys in residence, but a football team has been formed and some matches with outside teams have been played. A cycling club was formed during the summer months and held two or three runs into the surrounding countryside.

A dancing class is held every Friday at the Hall, and girls from neighbouring villages attend. An instructress in ballroom dancing has been engaged and she is kept very busy; there is also an obvious desire on the part of the boys to learn something about etiquette. It is usual to gloss over the lack of companionship of members of the opposite sex, but at Kneesworth Hall the needs of adolescent youth are recognized and the weekly dance is one way in which they are met.

Can a body of managers be found courageous enough to sponsor the establishment of a co-educational approved school? Kneesworth Hall would be ideal for the purpose.

Mrs. Simmons, who is at present acting as school matron, is a well-known sculptor. She has started an evening class in this art and it is well attended both by boys and staff. She also gives violin lessons and two of the boys have made promising progress on the instrument. There are also several boys learning the piano with the help of a voluntary teacher from Royston.

The school meeting stipulated that these leisure-time classes, sculpture and music, must be attended on at least three occasions by all who enrol for them. The idea behind this decision is to enable those who attend to get at least a superficial acquaintance with the subject before deciding whether to continue or abandon the project. It has also served to prevent a steep drop in interest which is a feature of adolescent development.

When the alterations and decoration of the school are completed it is proposed to transfer the classes in sculpture and painting from the small room they now occupy to the indoor squash court which has a glass roof. Why not use this court for its intended purpose? you may ask, as I did. Squash is a public school game; how many boys from Kneesworth would ever have the opportunity of playing it after they had left the school?

The boys rise at 7 *a.m.* on weekdays and wash and make their beds before breakfast which is at 8. Morning prayers are held at 9—a simple ceremony consisting of a reading either from the Bible or from the wisdom of other cultures, followed by the Lord's Prayer. The wisdom of China, of Israel, and of India have already been sifted to provide these readings; the boys show a preference for that of India. Morning instruction is from 9.15 until noon, followed by a break of half-an-hour before the mid-day meal. The boys work for three hours in the afternoon and there is then another thirty-minute break until teatime. The evening activities are held between 7 and 8.45 *p.m.*, followed by supper at 9 *p.m.*, bed half-an-hour later, and lights out at 10 *p.m.*

On Saturday the boys tidy the Hall and grounds throughout the morning and are allowed leave of absence from 2 *p.m.* until 9 *p.m.* They attend a religious service of their own choosing on Sunday.

Until numbers increase the present teaching staff of headmaster and three full-time assistants will have to suffice. It means that specialist teachers have to take two or three subjects, and any subject not within their range is covered by means of a correspondence course. This method is being employed to help the lad who is studying commerce, although it is hoped later to appoint a teacher in commercial subjects.

The class in painting is taken by Mr. Simmons, the teacher of general subjects also takes physical training, and the engineering and horticulture specialists take their share of general duties.

New boys attend at least six lessons at the art class where the free expression method of painting is employed. They can continue attendance after the compulsory period has ended (many do), otherwise they are allowed to work in one of the departments or at private study. Free expression in painting has considerable therapeutic value, and is helpful to the psychiatrist in diagnosing the nature of any emotional disturbance.

The Kneesworth Hall boys, in spite of their intelligence, are just as prone to emotional disturbance as their less intelligent fellows, but they have, on the whole, a better insight into their own difficulties.

"I'd rather not go home for Christmas," one lad told the matron. Asked the reason for this peculiar decision he replied: "You trust me here and I never feel any temptation to steal but I know if I go home I shall be through the first open window I see."

Another lad seemed bent on self-punishment, for at the school meeting he invariably stated that he had not done his bonus duties efficiently although staff and fellows were quite satisfied with his efforts.

While numbers are still low the cost of maintaining a boy at Kneesworth Hall is high—possibly higher than at a public school although clothing is not included in the fees charged by any of the last-named institutions. When the school is full, however, Kneesworth will cost no more than the average for approved schools at present.

We must bear in mind that cost is not the only criterion of value for money. Either society must tackle the problem of the intelligent delinquent or later be prepared to pay the cost of having potential master criminals in its midst.

NATIONAL STATISTICS

Many of the 309 tables in the annual abstract of statistics compiled by the Central Statistical Office contain information of considerable interest to a wide range of public bodies. Connexion between national aggregates and averages and the day-to-day administration of local authorities and other bodies may not be very obvious. Nevertheless, national figures summarize the effect of manifold local activities and, besides giving Parliament and central departments an indication of the long-term products of legislation, or possible need for it, provide local authorities with a number of yardsticks against which to measure the scale and effects of their own activities.

Progress in the public health services is reflected in various ways in vital statistics. In England and Wales, for instance, the standardized death rate per 1,000 population was halved during the sixty years to 1932, apparently continued to fall until 1939 but appears to be somewhat higher in post-war than pre-war years (comparative figures are probably affected by differing bases of calculation). Infantile mortality rates, represented by deaths of infants under one year of age per thousand live births, steadily decreased, apart from some advance in the war years, from eighty in 1922 to forty-one in 1947. Diptheria immunization of school children is, doubtless, largely responsible for a fall from 65,000 notifications in 1938 to 5,600 in 1947. Tuberculosis continues to be a black spot, due partly to war conditions which caused notifications to rise above 54,000 in 1943 and 1944, compared with 46,000 in 1939 and 51,000 in 1947.

An increase from 61,600 men and 220 women in 1938 to 69,600 men and 1,500 women in 1948 is shown in the authorized establishment of regular police in England and Wales. Corresponding figures for strength of men show a decrease from 59,800 in 1938 to 57,600 in 1948, while those of women increased from 200 to 1,000; whole-time male auxiliaries in 1948 had dwindled to 950 from a peak figure of 36,700 in 1941. Part-time special constables in 1948 numbered 18,500, compared with 162,500 in 1939.

Extensive statistics, which may be diminished following the report of the Local Government Manpower Committee, are given in the abstract with regard to offences known to the police, proceedings taken, results, and persons concerned. Indictable offences known to the police rose from 283,200 in 1938 to 522,700 in 1948; persons tried in magistrates' courts numbered 75,400 in 1938, varied between 101,500 and 110,000 in the war years, showed a marked drop from 110,000 in 1945 to 99,300 in 1946, and then went to 116,600 in 1948, which was the highest number in a period of eleven years. Number of persons tried at assizes or quarter sessions for indictable offences increased rapidly during the four years to 1948, the total of 22,700 in 1948 being more than double that of 10,000 in 1938.

In total for England and Wales, the number of males found guilty of offences was lower in 1948 (603,600) than in 1938 (716,400), while the total number of females was higher in 1948 (73,500) than in 1938 (71,100). In both cases, the number under seventeen years of age showed a marked increase, that of males rising from 52,600 in 1938 to 66,600 in 1948, and females from 2,900 to 5,400. Proportionately, the number of juveniles dealt with in courts of assize and quarter sessions increased considerably, from 241 in 1938 to 728 in 1948, but the bulk were disposed of in magistrates' courts, which dealt with 55,300 in 1938 and 71,300 in 1948. Among other ways of dealing with juveniles, magistrates' courts in 1948 placed 19,600 under supervision of a probation officer, compared with 15,800 in 1938, and in 1948 committed 3,900 to approved schools compared with 2,900 in 1938.

Receptions into prisons numbered 47,800 in 1947, against 50,000 in 1938, but the daily average population of 17,100 in 1947 was substantially higher than the average of 11,100 in 1938. Gross expenditure on prisons not unexpectedly showed a rise relatively greater than that of their population, having been £4,481,000 in 1947-48, against £2,077,000 in 1938-39. Little difference occurred as between 1938 and 1947 in the total number of about 16,500 convicted prisoners with known previous imprisonments, but, within that total the number who had been imprisoned one, two or three times previously was higher in 1947 than in 1938, while the number who had been imprisoned four or more times previously was lower.

Permanent houses and flats numbering nearly 169,000 built by local authorities in England and Wales in 1948 were approximately three-quarters of the grand total of 217,100, which also included 20,700 built by private builders, 14,200 war-destroyed houses re-built and 10,600 temporary houses provided by local authorities. Before the war, the rate of production by local authorities (then largely for slum clearance and abatement of overcrowding) was rising and that of private builders falling. Out of an annual average of 334,400 houses and flats provided during the years 1935-38, local authorities provided 60,900 and private builders 273,500. Shares then changing are indicated by 1938-39 figures, *viz.*, 101,700 provided by local authorities and 230,600 by private builders.

A table particularly topical at present shows the number of electors and votes recorded at Parliamentary elections. Roughly, partly because differing numbers of uncontested seats may have some effect, the proportion of about seventy-five *per cent.* of voters in England and Wales exercising their rights at the 1929 and 1945 elections were rather higher than at the 1931 and 1935 elections; in Scotland, possibly due to travel considerations in larger constituences, the proportion of votes recorded tended to be lower.

A series of tables dealing with education suffers somewhat from curtailment of statistical work during the war years. Between 1936 and 1948 pupils on registers of grant aided primary and secondary schools (excluding special schools) in England and Wales decreased from 5,753,000 to 5,460,000, but the raising of the school-leaving age and a higher birth-rate, has, no doubt, already changed, and will further change, that picture. Number of pupils per teacher and size of classes were slightly lower in 1948 than 1946 due to some recovery in teaching strength since the war. In maintained or assisted primary and secondary schools together, there were 27.4 pupils per teacher in 1948, and a grouping of classes shows that 60,500 had 1-30 pupils, 64,600 had 31-40, 34,600 had 41-50, and 2,100 classes had 51 pupils and over. Day pupils who had dinners at school in 1948 were 2,743,000 (53 *per cent.*) compared with 843,000 (19 *per cent.*) in 1942.

Total specific Exchequer grants to local education authorities in England and Wales for 1948-49 are estimated to amount to £132,549,000, against £82,507,000 in 1945-46, and the amounts received from local rates to have been £82,861,000 and £60,976,000 respectively. The proportion of net expenditure met from rates fell from about forty-two *per cent.* to thirty-eight *per cent.* between 1945-46 and 1948-49. Improvement in the relative financial position of local authorities consequent from the lower percentage may be regarded by some as illusory in view of the higher amount of money required. This would apply particularly in areas where the revised basis of education main grant, operative from April 1, 1948, reduced the ratio of grant to expenditure, and may also have been accompanied by less benefit

from unspecific "block" grants under the Local Government Act, 1948.

Total receipts of local authorities in England and Wales in the financial year 1946-47 (the latest year for which particulars are available) were more than £1,000 million, compared with just under £700 million in 1938-39. In 1946-47, receipts from loans amounting to £150 million were above the figure of £130 million in 1938-39. Receipts from rates in 1946-47 (£243 million) rose substantially above figures in the region of £200 million immediately before and during the war. Gas and electricity supply services (latterly nationalized) operated by local authorities in 1946-47 yielded £37 million and £108 million respectively, both amounts being approximately double pre-war figures, partly on account of substantially increased sales. Transport services showed a less marked increase, from £25 million in 1938-39 to £41 million in 1946-47.

Expenditure of local authorities other than out of loans for capital works amounted to £874 million in 1946-47, against £533 million in 1938-39. By 1946-47, education had reached £183 million, compared with about £100 million at the outbreak of war. General hospitals, since transferred to the Minister of Health, required £18 million in 1946-47, against £10 million in 1938-39; housing and town planning (mainly housing) expenditure had reached £54 million, against £45 million; police and police stations £36 million, against £26 million; and administration of justice (largely magistrates' courts) necessitated expenditure of £3½ million in 1946-47, against £2¼ million in 1938-39. Total loan charges of £118 million payable by local authorities in England and Wales in 1938-39 had fallen to £111 million in 1946-47.

Approach of a new national Budget makes brief reference to national income and taxation statistics appropriate. Adequate interpretation of alterations in relationships between component items of the national income, which rose in amount (value is another question) from £4,640 million in 1938 to £9,675 million in 1948, would raise matters of considerable complexity. It is interesting, however, to observe that increases between 1938 and 1948 included wages from £1,735 million to £3,975 million (129 *per cent.*), salaries from £1,110 million to £1,850 million (67 *per cent.*), trading profits of companies from £543 million to £1,639 million (202 *per cent.*), and rent of land and buildings from £395 million to £430 million (9 *per cent.*). Heavier taxation on personal incomes and steeper increases in the higher ranges are measured, to some extent, in a table comparing proportions of incomes retainable in 1947 after deduction of tax at 1947-48 and 1938-39 rates of tax respectively. Thus, in the £250-£499 income range the proportion retainable at 1947-48 rates was 92 *per cent.* against 97 *per cent.* at 1938-39 rates; £500-£999 range, 81 *per cent.* against 91 *per cent.*; and £1,000-£1,999 range, 71 *per cent.* against 85 *per cent.*

TRAVELS WITH A CARAVAN

By SPENCER G. MAURICE

The decision of the Divisional Court of the King's Bench Division in *Pilling* v. *Abergele Urban District Council* [1950] 1 All E.R. 76, is of interest in connexion with two articles in last year's *Justice of the Peace and Local Government Review*. At p. 8 it was advised with hesitation that a local authority might under s. 269 of the Public Health Act, 1936, look beyond public health considerations. The advice there given was justified by the history of the section, which was founded upon local Act precedents, some of them certainly supported in Parliament upon grounds other than health; that the hesitancy was also justified is shown by the decision of the Divisional Court. The court was dealing with an appeal by way of Case Stated from a decision of the Abergele (Denbighshire) justices, who had affirmed the respondents' refusal to grant the appellant a licence under s. 269 (1) of the Public Health Act, 1936, to use certain land as a site for moveable dwellings.

In refusing to grant a licence the respondents gave as their reason for so doing the fact that the use of the land as a site for moveable dwellings would be harmful to the amenities of the district, and it was the giving of their reasons which was fatal to their decision. Lord Goddard, C.J. (with whom Hilbery and Cassels, JJ., concurred), referred in his judgment to the principle that where a local authority has a duty to hear and determine a question and they state reasons which show that they have taken into account matters which they ought not to have taken into account or have failed to take into account matters which they ought to have taken into account, an appeal made from their decision ought to be allowed. He indicated that if the respondents had merely refused a licence without giving any grounds the appellant might have had a difficult case.

The justices had been of the opinion that a local authority was not restricted under s. 269 of the Public Health Act as to the grounds on which they might refuse a licence, but Lord Goddard considered that the Public Health Act, 1936, was a sanitary Act purely and simply, and that, on construction, the discretion given to the respondents by s. 269 was to consider the application for the grant of a licence merely from the point of view of public health and the sanitary conditions at the site. They were not entitled to take into account any question of local amenities, and consequently the appeal succeeded. In treating the Act of 1936 as "purely and simply" a sanitary Act, his lordship was inadvertent: witness s. 58 (1) (*b*) which is "pure and simple" amenity, and s. 60, which is fire prevention. But his underlying thesis is exactly what was put forward at 113 J.P.N. 234, in the penultimate paragraph of the second article last year.

Lord Goddard referred in his judgment to the Town Planning Acts, saying that he thought that it was to those Acts that appeal must be made if a question with regard to amenities arose. In that connexion it is interesting to consider to what extent the use of land as sites for moveable dwellings is regulated by the Town and Country Planning Act, 1947. The Town and Country Planning (General Development) Order, 1948 (S.I. No. 958 of 1948), amended by the Town and Country Planning (General Development) Amendment Order, 1949 (S.I. No. 195 of 1949), which deals (*inter alia*) with permitted development, allows moveable structures to be erected or placed on land for a period or periods not exceeding twenty-eight days in any calendar year without the permission of the Minister or the local planning authority (art. 3 and sch. I, class IV), while recreational organizations holding a certificate of exemption granted by the Minister of Health under s. 269 (6) of the Public Health Act, 1936, are allowed, without limit of time, and again without the permission of the Minister or the local planning authority, to use land for the purposes of recreation or instruction and to erect or place tents or caravans on the land (art. 3 and sch. I, class V). Ministry

of Town and Country Planning circular 47 of 1948 is of interest as showing why these provisions were made. Article 4 of the order provides procedure for the withdrawal of such permission in particular cases. It seems that keeping a moveable dwelling on the same site for more than twenty-eight days amounts, except in the case of the organizations exempted under s. 269 (6) of the Public Health Act, 1936, to development within the meaning of the Town and Country Planning Acts, and that it is therefore necessary under s. 14 of the Act of 1947 to apply to the local planning authority for development permission. The authority may refuse permission, and the question arises whether they may do so on the grounds of amenity. As one of the objects of the Act is clearly the preservation of amenities (*see* ss. 28-33), it seems clear that refusal to grant permission would be valid if the reason given was that the development proposed would be detrimental to the amenities of the district, and presumably this would also be a good reason for withdrawing permission under art. 4 of the Town and Country Planning (General Development) Order, 1948. The point does not seem yet to have been the subject of judicial decision, but the article already quoted shows this to have been the view taken before the Abergele case, and the Abergele case strengthens that view.

THE NEEDS OF OLD PEOPLE

TWO ANNUAL REPORTS

Two annual reports have been issued recently which are complimentary to each other in describing the activities of the two large voluntary organizations concerned with the needs of the aged, namely the National Corporation for the Care of Old People and the National Old People's Welfare Committee. The Corporation was incorporated in 1947 at the instance of the Nuffield Foundation and the Lord Mayor's Air Raid Distress Fund. It has six governors under the chairmanship of Sir George H. Wilkinson, Bart., with an advisory council of eleven members under the chairmanship of Sir Harold Claughton, C.B.E., M.A. The National Old People's Welfare Committee consists of representatives of forty national organizations, fourteen regional committees, three government departments and nine individual members. Through its position as a co-ordinating body it thus provides a national focal point of information and experience which in turn form the effective basis for an advisory service, which is used with increasing frequency by members of the public and officials throughout the country on all matters relating to old people. The approval of its work has been shown on more than one occasion, by the Ministry of Health and in particular in circ. 11/50 dated January 23, 1950, to which we referred at p. 101 *ante*, and a circular issued in May, 1949, with regard to grants to county and other old people's committees. As an associated group of the National Council of Social Service, the Committee has the services of its regional officers, who in many cases provide the secretariat of the regional old people's welfare committees and promote the establishment of local committees.

Since the National Corporation was established, the responsibility for providing accommodation for old people has been placed on county and county borough councils by the National Assistance Act but, as the governors stated in their first annual report, this does not mean that voluntary bodies have no further contribution to make towards this work. As pointed out in the last report, however, their task of raising sufficient funds has become increasingly difficult. It had been hoped that the financial support of the local authorities would help to overcome this difficulty, and to a small extent it has. But in many cases the Corporation has found that the promise of assistance has brought with it conditions which cannot be accepted and the hopes of true united effort are here deferred. The points of view of both sides are understandable but, in general, it is felt by the governors that each side must find a means of taking a somewhat broader view of the situation and of modifying its own demands. With one side needing finance and the other accommodation for those on its waiting list, and with both sides demanding their own terms, the situation can reach an impasse and the speed of the provision of accommodation is slowed down at a time when all the accommodation available could be filled immediately. It is hoped therefore that some means will be found to solve the problem for the number of elderly people waiting for accommodation is large and will not decrease in the next few years. The voluntary bodies are reminded that financial help from a statutory body means the use of public money so that some conditions must be imposed to safeguard the ratepayers. Conversely, it is hoped that the local authorities will remember the advantages which voluntary bodies have, particularly in speed of purchase once the money is assured, and in the facilities for attracting voluntary helpers. The National Old People's Welfare Committee in its report also draws attention to this matter.

During the past year the policy of the Corporation had been to insist that voluntary bodies applying for grant aid should make use of the provisions of the National Assistance Act by making application to their local authorities for capital grants. Unfortunately, in many cases, it has not been possible to implement this condition for a variety of reasons, particularly as few authorities are willing to make capital grants out of revenue. There appears to be no provision for a local authority to obtain a loan in order to make capital grants, other than to a housing society. The Corporation enters a strong plea, therefore, for even greater efforts by both voluntary and statutory bodies to overcome the obstacles which hinder true co-operation. It is suggested that it should be treated as what it is, a national task, and not just a limited parochial effort swayed by local prejudices. So much can be done if both sides are willing and anxious to see each other's point of view. Further, it is pointed out that voluntary committees must remember that they are asking for public money and the statutory body should realize that careful selection of residents is necessary, particularly if they are nominating to a voluntary home. One of the main criticisms made by local authorities is that the voluntary homes take the cream of the applicants and refuse the awkward cases. It is suggested by the governors, therefore, that the voluntary bodies should choose its residents on the basis of their need and make sure that those who are put in communal homes cannot look after themselves elsewhere: there are so many elderly people who need care and attention that their places must not be filled unwisely. While there remain unprovided for so many elderly citizens who are unable to look after themselves, mere loneliness cannot be considered a sole criterion for a vacancy. It is suggested also that local authorities in all areas may like to consider whether they are making sufficient use of responsible voluntary organizations as their agents. The cost of purchasing, adapting and equipping a home for thirty old people is high, but the authority may well lessen the cost to the rates by making a grant to a voluntary body to enable it to run a home which would otherwise have had to be

provided directly by the authority. We hope this advice will receive the consideration which it deserves and trust therefore that the Corporation will make available to local authorities copies of its report. By so doing we think much misunderstanding would be avoided.

FUTURE POLICY OF THE CORPORATION

After referring to the value to the Corporation of its association with the National Old People's Welfare Committee, regret is expressed in the report that in the main field of old people's welfare there is too little close contact and interchange of ideas: too many organizations, both statutory and voluntary, consider that they alone know how a home or club should be run and that there can be no other way. An explanation is then given of the policy adopted by the Corporation in making grants. While, up to the present, most of them have been towards homes for the able-bodied the governors have decided that they must in future encourage more provision for the care of the infirm. There is unfortunately a category of old people which is the responsibility, apparently, of no one: those in it are the borderline between health and sickness, being neither fit enough, since they may need days in bed, to look after themselves nor to live in a home for the able-bodied, nor yet sick enough to need hospital treatment. It seems to the governors, therefore, that there is an administrative gap between the National Health Service Act and the National Assistance Act and that it is time that efforts were made to draw these two Acts closer. It must be ensured that all, whether in sickness or in health, or on the borderline between the two, can receive, without delay or argument as to whose responsibility they are, the treatment and care which they need. In many spheres voluntary action has shown the way and here is an admirable opportunity to prove that the pioneer spirit still survives. The Corporation hopes that voluntary organizations, and especially those which already have experience of running other homes for the elderly, will consider whether they can assist the infirm. As in other types of homes it is essential that maintenance costs are assured, and application for assistance should be made to the statutory body responsible which may be either a regional hospital board or a local authority.

In an editorial note in *The Times* commenting on the report generally, special attention was drawn to this problem, to which we hope the Minister of Health will give early consideration with a view to further legislation being introduced, if in fact legislation is necessary. This matter is also giving great concern to the National Old People's Welfare Committee which has on more than one occasion drawn the attention of the Minister to the difficulties and the matter has been raised at each of the national conferences arranged by the committee. When so much good has resulted from the social legislation introduced as a result of the Beveridge Report, it is really tragic that there are so many old people suffering, partly due no doubt to lack of residential accommodation, but also often due to administrative difficulties which with a little goodwill on all sides could be largely avoided, even if amending legislation is necessary to clear up the position finally. There is ample evidence that the conditions under which many old people are now living is worse than before the new legislation came into operation.

Elsewhere in the report of the Corporation, reference is made to the grants which have been made to non-residential clubs. It is the desire of the corporation that within a club organization it may be possible to find a means of assisting the members to gain fresh interest and that more clubs will therefore arrange to stimulate occupational interests.

The Corporation is therefore considering the setting up of rest homes for the elderly infirm in order to indicate a policy which could be followed by both statutory and voluntary organizations, when it is hoped to demonstrate clearly that the joint help of hospital and welfare authorities is urgently needed to secure success and to evolve a flexible method of payment of maintenance costs which will allow cases to be transferred without delay and without argument for the responsibility of one authority to that of another. The Corporation has in mind yet another type of home which it believes would assist, not only elderly persons but also their relatives, namely, a short-stay home, as it is believed that relatives would often be prepared to care for old people in their own homes provided they themselves could have a few weeks holiday during the year. There are a few homes of this type already in existence but there are a number of practical difficulties, not the least being the occasional unwillingness of some families having experienced freedom, to take back their elderly relatives. Nevertheless, however attractive these schemes may seem, it is impossible for the Corporation to carry them out satisfactorily without the aid of statutory bodies. The governors have been disappointed at the apathetic attitude adopted by some of those before whom they have placed their plans, although it has been freely admitted that the experiments are needed and are worth initiating.

FINANCE

The National Corporation is in the favourable position of having at its disposal funds provided by the Nuffield Foundation and the Lord Mayor's Air Raid Distress Fund. The National Old People's Welfare Committee, on the other hand, has been dependent mainly on voluntary income. The rapid increase in the committee's work has been made possible, first by a donation of £3,000 a year for the year 1949 from the governors of the corporation and, secondly, by a grant of £12,000 from the Ministry of Health to be spread over the period up to March 31, 1951. This is the first occasion on which the national committee has been assisted from public funds. The Ministry's grant will be available for headquarter's administrative work in connexion with old people, including the services of the National Council of Social Service's officers in the regions. The National Corporation has given further help by assisting to finance training schemes for matrons and wardens and by making available £4,000, since 1948, to assist clubs promoted by old people's welfare committees, rural community councils, councils of social services and community associations on equipment. Despite these grants from public and charitable sources, a large balance of not less than £5,000 a year must still be raised by subscription or donations from organizations and individual well wishers, as it is a condition of the Ministry of Health grant that the remainder of the expenditure should be raised from voluntary sources.

NOTICES

A course of two lectures on "The Place of Roman Law in Continental Legal Systems Today" will be given under the auspices of the University of London at University College (Eugenics Theatre), Gower Street, W.C.1, by Professor H. R. Hoetink, Professor of Roman Law, University of Amsterdam, at 5 *p.m.* on March 14 and March 17, 1950. The chair at the first lecture will be taken by Mr. Raphael Powell, M.A., Reader in Law in the University of London, and admission is free, without ticket.

A lecture on Defamation will be given at King's College, Strand, W.C.2, by Professor E. C. S. Wade, M.A., LL.D., Downing Professor of Law, University of Cambridge, at 5.30 *p.m.* on Wednesday, March 15, 1950. The chair will be taken by Professor H. Potter, LL.D., Ph.D., Professor of English Law in the University of London.

MISCELLANEOUS INFORMATION

MEDICAL CERTIFICATES

There is a general feeling among the medical profession that doctors are having to spend far too much time in making out reports and issuing certificates relating to their patients, which may sometimes make it difficult for them to give proper attention to their patients.

Under the National Health Service Act, 1946, a medical practitioner is required to issue, free of charge, any certificates reasonably required by his patients under or for the purposes of any enactment. (s. 33). According to the Ministry of Health this includes about sixteen different statutes, as well as a number of statutory regulations. Some of these certificates, or reports, are inevitable, but it appears that in certain directions doctors are being required to do much more form filling than is really necessary. There is the further point that it would be much simpler for the doctors if the certificates could be on somewhat similar forms and as far as possible require the same kind of information. In order to endeavour to assist doctors in this respect, the Minister of Health and the Secretary of State for Scotland set up a Departmental Committee with the following terms of reference :

"To consider the medical certificates required under present enactments or regulations, or for other administrative purposes and to advise, without excluding the possibility of amending legislation, how far it would be practicable to reduce the number of certificates to be signed by medical practitioners and to improve and simplify the forms of certificate and the rules governing their issue."

The committee, in their report which was issued recently, set out the forms of certificate which are required by the various government departments and, in addition, draw attention to some which are required by local authorities although not definitely required by statute. It was not the function of the committee to consider any question of remuneration for certificates although no doubt, from a doctor's point of view, this is important because it may well be argued that if there is a requirement to pay for a certificate it may sometimes prevent it being asked for. The committee point out that a medical certificate ceases to be merely a certificate in the ordinary sense where a doctor is required to report on specific clinical details that he has observed or the complaints made to him by, or on behalf of, the patient. The committee agree, however, that where certificates must be given it would be of great assistance to the doctors if they could be on similar forms. This is a point which we think local authorities might bear in mind as well as government departments. For instance, quite a different form is used for the certificate required for employment as a teacher to that used for employment as a probation officer.

The committee did not feel able to make drastic recommendations for simplification or uniformity but set out in their report a short resumé of any Acts of Parliament, regulations, orders in council, and other provisions which give rise to demands for medical certificates and other documents which doctors are called on to sign, so far as the committee have been able to trace them. It is to be hoped that this may be of assistance by bringing them together in a single report and thus enabling departments and others to acquaint themselves with cases in which information comparable to that required by themselves is required elsewhere. This should also afford an opportunity for mutual consultation in such cases with a view to eliminating the need for two certificates, where the medical evidence needed is the same, and even if this proves to be impracticable or inapplicable because the evidence relates to different persons, at least adopting the same or similar form of certificate where the medical evidence needed is the same or similar.

One of the most efficacious ways in which, in the view of the committee, it would be practicable to reduce the number of medical certificates, would be for the Ministry of National Insurance to provide, at the request of insured persons, extracts from certificates of incapacity submitted to the local offices of that Ministry in connexion with claims for benefit under the National Insurance Act, which could then be used for more general purposes.

As showing one way in which the requirements for certificates could be reduced, reference is made to the procedure adopted in connexion with the enforcement of the duty of a parent to cause a child to receive full-time education under the Education Act, 1944. Where children are absent from school, it is the practice of school attendance officers to make inquiries and where the absence is for more than two or three days a medical certificate may be asked for. The committee recommend that the Education Department should take such steps as they find necessary in order to restrict the demand for these certificates to cases where there is reasonable ground for believing that the allegation that the child is ill is false, or the nature of the illness is such that a layman cannot reasonably be expected to know whether it prevents the child going to school.

Some forms of certificate which are required by certain enactments, do not appear to come within those which must be supplied without charge, such as those required under s. 144 (1) (*b*) of the Public Health Act, 1936, in the case of notifiable disease ; and under s. 17 (1) of the Food and Drugs Act, 1938, in connexion with food poisoning.

In some cases local health authorities, providing services under s. 27 of the National Health Service Act, 1946, require a certificate before transport will be provided for non-urgent cases and in a few cases even require its completion after an ambulance has been provided in urgent cases. If the request involves a long journey by ambulance, some authorities require a certificate but more often if the medical officer has doubt as to the necessity for ambulance transport he telephones the doctor. Where practitioners order transport direct from the Hospital Car Service, and not through the local health authority, it is not infrequent for a medical certificate to be required. Unless the journey involved is, however, having regard to local circumstances, of exceptional length, or the ambulance is required to move a person from one dwelling house to another (not a nursing home, convalescent home or comparable establishment) it appears to the committee that a demand for a certificate is unjustified. It is understood that in some areas local authorities providing services under ss. 25 and 29 of the National Service Act, 1946, are asking for medical certificates in support of the services of district nurses or home helps. In the opinion of the committee a verbal or telephonic request from a doctor, or alternatively the visit of a health visitor, should be an adequate and more convenient method of securing the services required.

Forms of certificates which are of interest to magistrates as well as local authorities are some of those which are required under the Lunacy, Mental Treatment and Mental Deficiency Acts, such as under s. 5 (1) and s. 11 (1) of the Mental Deficiency Act, 1913 ; s. 7 (1) of the same Act as amended by the National Health Service Act, 1946, sch. 9, and under various sections of the Lunacy Act, 1890, dealing with the certification of persons of unsound mind. Before the National Health Service Act, 1946, came into operation, fees for medical reports or certificates under the Lunacy, Mental Treatment and Mental Deficiency Acts were payable by the local authority, either as the local authority under the Mental Deficiency Act or as successors to the Boards of Guardians under the Lunacy and Mental Treatment Acts. Specific provision was not, however, made in the Act of 1946 for payment in all these cases, apart from the continuation of the specific provisions in s. 285 of the Lunacy Act, 1890. It was therefore open to doubt as to whether payment for certificates could be made or whether they were covered by the provisions in the National Health Service (General Medical and Pharmaceutical) Regulations, 1948, sch. 1, para. 7, whereby a medical practitioner must supply certain certificates free of charge for the use of patients. This matter has, however, been regularized by s. 25 of the National Health Service (Amendment) Act, 1949, which requires the local health authority to pay the reasonable remuneration of a medical practitioner for an examination (*a*) with a view to an urgency order being made under s. 11 of the Lunacy Act, 1890 ; (*b*) where action is sought to be taken under s. 16 of the Lunacy Act, 1890, (*c*) in the case of a person to be dealt with under s. 3 or s. 6 of the Mental Deficiency Act, 1913, or (*d*) with a view to a person's treatment as a voluntary patient under s. 1 (2) of the Mental Treatment Act, 1930, or as a temporary patient under s. 5 of that Act. It is provided, however, that s. 285 of the Lunacy Act 1890, which provides for the payment of remuneration and expenses to medical practitioners called in under s. 16 (if the justice so orders), shall cease to have effect. It is therefore no longer necessary for a justices' order to be obtained for the payment of remuneration to a medical practitioner called in by him to examine a person of unsound mind or alleged to be of unsound mind.

RIVER BOARDS

The River Boards Act, 1948, requires the Minister of Health and the Minister of Agriculture and Fisheries, as soon as practicable, to define river board areas to cover the whole of England and Wales—excepting the Thames and Lee Catchment Areas and London—and to establish river boards for such areas. River boards will inherit the functions under earlier legislation of catchment and fishery boards and the pollution prevention functions of local authorities ; and other functions, including certain responsibilities for water conservation, are conferred on them by the Act.

The Act itself entails a number of preliminary stages before the areas are finally defined and before the boards are set up—first, consultations with the various interests concerned, then the deposit of orders in draft, and a period for making objections. This procedure is of course designed to ensure that the areas are the best that can be devised and that the boards are established on a sound and lasting basis. The first twelve months after the passing of the Act were occupied in extensive consultations, through the River Board Areas Consultative Committee, with councils of counties and county

boroughs, catchment boards, fishery boards and other authorities, on appropriate boundaries for the new river board areas. On May 19, 1949, the Minister of Agriculture and Fisheries announced seventeen proposed areas and draft orders and maps in respect of all of them had been prepared and placed on deposit by the middle of August. Thirteen further proposed areas covering the remainder of England and Wales were announced in October last, and draft orders and maps in respect of them will be deposited shortly.

Objections were made to certain of the areas included in the first group of seventeen draft orders, but ten orders defining river board areas were issued in the autumn of 1949. Following further consultations, draft orders constituting river boards for nine of these areas were deposited in the middle of November and eight of these orders have already become operative. The eight river boards concerned will be responsible for the following areas covering in all some ten million acres: Severn, Yorkshire Ouse, Hull and East Yorkshire, Kent, Somerset, Bristol Avon, Avon and Dorset and the Isle of Wight. These boards will hold their first meetings in the next few weeks, and they will take up their new duties on April 1, which has been fixed as the "appointed day" for the transfer of functions from the catchment boards, fishery boards and local authorities in their areas.

THE INCORPORATED ASSOCIATION OF RATING AND VALUATION OFFICERS

Annual Conference at Westminster

The Council of this Association has decided to hold the Annual Conference at the Central Hall, Westminster, on Friday and Saturday, September 29 and 30, 1950.

REVIEWS

Paterson's Licensing Acts, 58th Edition. By F. Morton Smith. London: Butterworth & Co. (Publishers) Ltd.; Shaw & Sons, Ltd. Price 45s.

Since its first edition *Paterson* has grown from 199 to 1,684 pages, but, as ever, it "contains a complete collection of the existing statutory law on the subject of licensing, and the editor's views of the leading difficulties that will arise and his suggestions of solutions to most of them" as it was designed by James Paterson seventy-eight years ago.

Editor and publishers deserve the thanks of all practitioners that again it has been possible, in spite of difficulties mentioned by Mr. Morton Smith in his preface, for a completely up-to-date edition of the work to be available in time for Brewster Sessions.

The major difficulty, of course, arose out of the postponement until an "appointed day" of the operation of Part II of the Licensing Act, 1949, which deals with matters of general application. The reason for the delay disappeared with the passing of s. 12 of the Justices of the Peace Act, 1949, dealing with the constitution of licensing authorities for non-county boroughs. It is probable that the new law governing the appointment of the several committees and introducing a greater elasticity into the rules touching the disqualification of justices for acting in licensing matters will come into operation later this year.

Mr. Morton Smith has dealt with the situation by leaving the old law in the text, referring in heavy type to impending changes under each section affected. He has also included the new law as enacted. In addition, in a most carefully written preface, he has explained the changes which the Act of 1949 is designed to effect. Could a painstaking editor do more?

Adequate comment has been made on the cases falling within the scope of the work and decided during the year. In particular, we commend the reference to *Carter v. Pickering* (1949) 113 J.P. 132, which, as is clearly shown, reduces to small practical importance the long overstrained cases of *R. v. Taylor*, *R. v. Amenit* (1915) 79 J.P. 332. Since the passing of s. 73 of the Finance Act, 1947, it has been unwise to regard these cases as having any wider application than in relation to their own peculiar facts.

The full reports of the decisions in *Ashby's Cobham Brewery Co.'s* case (1906) 70 J.P. 372, and *Hardy's Crown Brewery Co.'s* case (1916) 36 R.T.R. 184, which deal with the basis of assessment of compensation, and which have long appeared in successive editions of *Paterson*, have this year been omitted "in order that this edition might be kept within reasonable bounds." We approve the omission and applaud the reason.

Altogether, we commend this important edition of this important annual work as a good job, well done.

Halsbury's Statutes of England. Second Edition. Vols. 8, 12, 13, 14 and 15. London: Butterworth and Company (Publishers) Ltd. Price £3 per volume.

When reviewing the second group of this series of volumes in our issue of July 9 last we suggested that this was a work which every magistrates' court and local authority should either possess or have readily accessible. This observation may be said to apply with special force to the present series of volumes which embrace the titles Local Government and Magistrates, subjects which are handled with consummate ability in the preliminary notes as well as in the commentary on the Acts themselves. Of particular interest to local authorities are the statutes grouped under "Education" in vol. 8, as well as the Representation of the People Act, 1949, which consolidates the law relating not only to parliamentary but also local government franchise. Other subjects dealt with in these volumes, such as income tax, intoxicating liquor, juries, landlord and tenant, libel and slander, limitation of actions, though of wider interest, may be cited as matters which necessarily concern readers of this journal, while the extensive portion (over 900 pages) of vol. 15 devoted to the Metropolis will be of special importance to those concerned with London government. It is not possible within the confines of a short review to enter into detailed criticism of the vast store of matter contained in the present group, and it must suffice to say that we have found the exacting standards set by their predecessors of the present edition, and indeed by the first edition of Halsbury's Statutes, fully maintained. Each of the volumes covers statutes which received the Royal Assent before March 31, 1949 (with some later enactments, the most notable being the Representation of the People Act, 1949, which received the Royal Assent in November), and the volumes are being kept fully up to date by the issue of annual supplements and supplementary parts. With the issue of the present group, fifteen of the contemplated twenty-seven volumes have been published. The work, when completed, will assume monumental proportions, but it is only by providing readers with all the relevant material in a readily accessible form that a complete picture of statute law is capable of being presented. We therefore commend with confidence this further series of volumes to our readers.

Meetings: Fifth Edition. By F. D. Head. London: Sir Isaac Pitman and Sons, Ltd. Price 12s. 6d. net.

The fact that this work has reached a fifth edition in the twenty-five years of its existence indicates its substantial usefulness to the readers for whom it is primarily intended. These are company secretaries and other persons concerned with company procedure, and students of the Chartered Institute of Secretaries and the Corporation of Certified Secretaries. It will be useful, also, to members of the legal profession who have to deal from time to time with company law and practice. Part I is concerned with meetings of directors and shareholders, and Part II with the principles of company law affecting meetings. Part III deals with the meetings of public bodies including local authorities, but only, it seems, in so far as it is necessary to cope with the sort of question likely to be put to examination candidates. Parts IV and V set out some subsidiary matters, including notes on defamation. The pages dealing with companies, which form much the greater part of the book, have been revised to conform to the Companies Act, 1948. So much of the book as relates to local authorities may do well enough for examinees in the secretarial profession, but will not be of much help to those engaged in local government, or to local government students. The model standing orders, for example, which are to be found in vol. III of *Lumley*, representing a careful co-ordination of the practice of many local authorities, are ignored, and the learned author has overlooked the London Government Act, 1939, being under the impression that the procedure of metropolitan authorities still depends upon the Local Government Act, 1899. Within his own sphere, that is to say company practice, we think (so far as we can judge in a field which is not our own) that most of what will be wanted is to be found there, though we have looked in vain for any statement of law on the not unimportant question which crops up from time to time, of the removal from a meeting of persons who interrupt the course of business.

Archbold's Criminal Pleading (32nd Edition). Supplemental Service. No. 1. Sweet and Maxwell Ltd.; Stevens and Sons Ltd.

This noter-up compiled by the editors of the main work is the first supplement and will be followed by others on May 25 and September 25. The cumulative supplement will be cumulative throughout the useful life of the thirty-second edition. It is accompanied by a somewhat briefer noter-up which can be cut up and pasted into the main work; this will not be cumulative.

All supplements issued during 1950 will be supplied free to purchasers of the main work. Thereafter the charge will be 10*s. 6d. per annum*.

This excellent service will make *Archbold* always up to date and reliable.

LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

No. 18.

ROAD TRAFFIC ACT, 1930—PARTIAL DISQUALIFICATION

A trolley-bus driver appeared at West Ham magistrates' court on December 21, 1949, charged with driving a motor cycle whilst uninsured, contrary to s. 35 of the Road Traffic Act, 1930.

The defendant pleaded guilty, and it was urged before the stipendiary magistrate, Mr. J. P. Eddy, K.C., that, although it had to be conceded that the fact that the defendant was employed as a trolley-bus driver was not a special reason for not disqualifying him from holding or obtaining a licence under Part I of the Act, the court ought to invoke the proviso to s. 6 (1) (which provides for partial disqualification) in view of the serious consequences to the defendant of disqualification.

The stipendiary magistrate said that the defendant had pleaded guilty to an offence under s. 35 of the Act. That section defined the offence and specified the penalty for any contravention of it. He saw no room for invoking s. 6. If no special reason was shown, the defendant must be automatically disqualified for holding or obtaining a licence for twelve months unless the court saw fit to order a longer period of disqualification. If the defendant was not disqualified for a longer period than twelve months there was no question of invoking s. 6. He was disqualified by virtue of a conviction under s. 35, and no disqualification was imposed under s. 6 at all. In any case he could not see that it was possible to reconcile the plain words in s. 35 "disqualified for holding or obtaining a licence" with the contention that the defendant should nevertheless be free to hold or obtain a licence to drive any motor vehicle other than a motor cycle.

Further, he could not see that the court was justified in seeking to escape the consequences of a conviction under s. 35, where no special reason was shown, by invoking s. 7 of the Criminal Justice Act, 1948, which relates to absolute and conditional discharge. Such a case was distinguishable from *Quelch* v. *Collett* (1948) 112 J.P. 167, where a charge under s. 35 was dismissed under the Probation of Offenders Act, 1907. Even in respect of that Act, the Lord Chief Justice, Lord Goddard, had this to say in *Gardner* v. *James*, 65 T.L.R. 36: "It is very difficult indeed to see how justices can be justified in acting under the Probation of Offenders Act on reasons which would not constitute special reasons enabling them to refuse on conviction to suspend the licence."

Evidence was given on behalf of the defendant that he had merely collected the motor cycle for a relative, who told him that it was taxed and insured. The defendant said he genuinely believed the motor cycle was insured, and, but for that fact, he would not have driven it. The stipendiary magistrate held that these circumstances constituted a special reason for not ordering disqualification.

COMMENT

It will be recalled that s. 6 of the Act provides that any court before which a person is convicted of any criminal offence in connexion with the driving of a motor vehicle (not being an offence under Part IV of the Act which relates to public service vehicles) may in any case, except where otherwise expressly provided by Part I of the Act and shall where so required by such Part of the Act, order the defendant to be disqualified for holding or obtaining a licence for such period as the court thinks fit. The section then makes provision for endorsement of particulars of the conviction on the offender's licence and the proviso to the section enacts that if the court thinks fit any disqualification imposed under the section may be limited to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed.

There have been a number of decisions as to the class of case which falls within this section and it is clear from consideration of such decisions that the section is limited to cases which arise out of the driving of a motor vehicle and thus, for example, cases of obstruction do not fall within it.

The facts in the case of *Quelch* v. *Collett* (*supra*) to which reference was made by the learned stipendiary magistrate were, it will be recalled, that Mr. Collett was stopped by a police officer and found to be using a motor car without a policy of insurance. Mr. Collett had bought the car four days earlier and the advertisement for sale had referred to it as being "taxed and insured." The vendor of the car had undertaken to arrange for the transfer of the policy to Mr. Collett and as a result the latter had honestly, but wrongly, assumed he was covered by the policy at the time of the offence.

(The writer is indebted to Mr. G. V. Adams, clerk to the justices, West Ham, for information in regard to this case.) R.L.H.

No. 19.

THE DISMISSAL OF AN UNAUTHORIZED POLICE PROSECUTION

Three men appeared before the Swansea justices in December last, upon a police information, charged with conveying meat intended for the food of man through a Swansea street without causing such meat to be covered by a cloth or other suitable material, contrary to a local byelaw made under s. 99 of the Swansea Corporation Act, 1902.

A police officer stated that he saw the three men carrying a galvanized zinc foot-bath containing small pieces of meat into a butcher's shop and subsequently large pieces of meat on their shoulders. The meat was not covered in any way and he spoke to one of the defendants who stated that it was to be used for making pies.

For the defendants a submission was made that the byelaw was intended to apply in cases in the old days when meat was conveyed in open vehicles through the streets and not to the present day method of delivery to a shop from a covered van.

The justices overruled this submission and a further submission was then made on behalf of the defendants that the prosecution, which was initiated by the police, was not authorized under the provisions of the Swansea Corporation Act, 1902, which provided that information could only be laid by the town clerk of Swansea or by a person authorized in writing by him to do so and it was admitted that there was no written authority in this case.

The hearing was adjourned for three weeks and at the adjourned hearing application was made by the police to withdraw the summonses. The chairman granted the application, commenting that it was extraordinary that the police should have prosecuted without requisite authority. The chairman added that there was no application by the defence for costs but if such an application had been made it would have been granted. R.L.H.

PENALTIES

Dover—February, 1950—attempting to evade Customs duty on 5,281 watches—twelve months' imprisonment and fined £20,000. Defendant, a twenty-two year old diamond cutter of Antwerp, was ordered to serve a further twelve months' imprisonment if the fine was not paid. Value of watches £15,000. Watches concealed in petrol tank of car.

Swansea—February, 1950—red petrol in private car—fined £2. To pay £3 3*s.* costs. Disqualified from driving for twelve months. Defendant, a railway fireman, put the petrol in his motor cycle.

Lincolnshire Assizes—February, 1950—rape—ten years' imprisonment. Defendant, a married man of thirty-five, raped a thirteen year old girl in a wood on Christmas Eve. The Lord Chief Justice described the case as the worst case of rape he had ever tried.

Leicester—February, 1950—slashing the clothing of two girls—fined £2. To pay £5 5*s.* costs. Defendant, a twenty-three year old hosiery knitter, said he did not remember the occurrence.

Oxford—February, 1950—stealing an electrically heated pad, value £2—fined £5. Defendant, a man of fifty-four, said that he absent-mindedly put the pad under his arm but intended to pay for it.

Newent—February, 1950—driving while under the influence of drink—fined £40. To pay £9 8*s.* 4*d.* costs, licence suspended twelve months. Defendant, a rector, alleged that a collision in which he was involved was due to being blinded by car lights.

Oxford—February, 1950—(1) stealing a camera, (2) stealing a wrist watch value £18—twelve months' probation, to repay £18. Defendant, aged thirty, was unable to read or write and had previously been certified as mentally deficient but had no previous convictions. The camera had been recovered but not the watch.

Brigg—February, 1950—using red petrol in a private motor car—fined £25. To pay £6 6*s.* costs. Defendant, a seventy-seven year old sub-postmaster, postman and village grocer, normally delivered letters by cycle, but owing to a displaced cartilage had had to take to his car, and used red petrol to get him four and a half miles to the nearest petrol pump. He still had thirty-seven unused coupons for 1947-48 and thirteen units for 1949.

Sheffield—February, 1950—stealing 124 1½*d.* tickets value 2*d.*, and two 1½*d.* fares—fined £10. Defendant, a thirty-two year old tram conductor, took the tickets from another conductor's box intending to sell them to passengers and not account to the transport department as they had not been issued to him. He sold two of the tickets to transport department employees and kept the money.

PERSONALIA

APPOINTMENTS

Mr. Harold S. Haslam, clerk and solicitor of the Shipley urban district council, has been appointed secretary of the Urban District Councils Association. Mr. Haslam has served with the Bury corporation from 1928 to 1937 and the Loughborough corporation from 1937 to 1939. He became solicitor and deputy clerk of Shipley in 1939 and clerk and solicitor in 1944.

Mr. Noel Copeland Scragg, LL.M., L.A.M.T.P.I., legal and administrative officer to Peterlee development corporation, has been appointed deputy town clerk of Worcester. Mr. Scragg is thirty-seven and was admitted in 1938. He has held previous positions as deputy town clerk of West Hartlepool and senior assistant solicitor to Southampton. He served in the army during the war and was demobilized with the rank of captain.

Mr. S. M. Wonter-Smith, senior assistant solicitor to the city of York, has been appointed assistant solicitor to the city of Bradford.

Mr. John Hawksley Martin, B.A., has been appointed assistant solicitor to Worcestershire county council. Mr. Martin is twenty-seven years of age and was articled to Mr. J. A. Turner, O.B.E., clerk of the peace and clerk of the Northamptonshire county council. During the war he served in the Royal Navy, reaching the rank of lieutenant. He succeeds Mr. D. J. Rook, LL.B.

Mr. Anthony Walker, probation officer at Bootle, has been appointed probation officer for the city of Salford. Mr. Walker is twenty-six years of age and has previously served in the R.A.F. as a physical fitness and welfare officer.

OBITUARY

Sir Francis Smith died in London on February 28. Born in 1863, he was educated at Winchester and New College, Oxford. He served his articles with Sir Walter Trower of Messrs. Trower, Still and Keeling, of New Square, Lincoln's Inn, and was admitted in 1889. In 1890 he became a junior partner in the firm of Lee and Pemberton. He was elected a member of the council of the Law Society in 1922, became vice-president in 1936 and president in 1937. Also in 1937 he received his knighthood.

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1.—Exhibits—*Committal for trial—In whose custody exhibits should be placed on committal of accused for trial.*

In the case of statements by the accused and other exhibits which are produced before the committing magistrates and referred to in the depositions as exhibits, doubt has arisen what should be done with these on the accused being committed to assizes. It seems to me that having been handed in to the court they are in the custody of the court and should be sent to the clerk of assize with the original depositions. I find, however, that some clerks of assize state that these exhibits should not be handed to the clerk of assize with the depositions but should be handed to the police, and also that all exhibits whether produced by the prosecution or by the defence, and in all prosecutions whoever is the prosecutor (whether the police or a private individual) should be handed to the police. It appears to me that as these exhibits are in the hands of the court and referred to in the original depositions they should go to the clerk of assize with the original depositions rather than be handed to the police, especially where the exhibits are produced by the accused.

Archbold (31st Edn.), pp. 290 and 291, says that a list of exhibits should be sent to the court before which such a person is to be tried but he does not deal with the exhibits themselves during the period between the committal and the trial.

I shall be much obliged if you will kindly let me have your views and your authority. S. PUZZLED.

Answer.

In our opinion, the exhibits should be sent to the court of trial with the depositions, subject to any special direction that may be given by the examining justices. The exhibits are often such that the depositions are not really intelligible without them, and we think that when the depositions are transmitted in accordance with s. 20 of the Indictable Offences Act, 1848, the exhibits should go with them. The matter is dealt with in *Stone*, 1949, p. 29, note *r*.

As to delivery of documents, etc., to the Director of Public Prosecutions, *see* Prosecution of Offences Act, 1879, s. 5.

2.—Fines—*Recovery—Defendant in Eire.*

I have had a few cases recently in my court where men from Eire, who have been working in this district, have been fined and have now returned home, leaving the fines unpaid. I shall be glad to know whether there are any means of recovering these unpaid fines. If not, can these fines be written off and how?

SALY.

Answer.

The Ireland Act, 1949, does not touch the point, which we think depends on the present state of the law of Eire, now the Republic of Ireland. So far as we are aware, the position still is that a warrant of commitment may be backed for execution in Eire, by virtue of s. 3 of the Summary Jurisdiction Act, 1848, and s. 12 of the Indictable Offences Act, 1848. *See* note *(e)* on p. 24 of *Stone*, 1949, and also the (subsequent) enactment in s. 1 (3) of the Act of 1949, providing for use in British documents of the new name for "the part of Ireland heretofore known as Eire."

3.—Husband and Wife—*Adultery by wife—Condonation—Revival by desertion—Time limit for proceedings—Illegitimate child—Guardianship of Infants Acts.*

Your valued advice is solicited on the following:—

A the wife of B has issued summonses for (1) desertion; (2) wilful neglect; (3) orders under the Guardianship of Infants Acts: *re* children C and D.

The child C is a child of the marriage. The child D was conceived while B was abroad in H.M. services. B returned home while A was pregnant; he forgave her, and full marital relations were resumed until the birth of the child D. Following the birth of D, difficulties arose in the matrimonial home, and A left B. This was followed by A returning and leaving the matrimonial home on no less than seven occasions. A has now decided to live apart from B, and in the event of not obtaining an order for herself, desires an order under the Guardianship of Infants Acts in respect of C and D. It is believed that B will wish to revive the adultery he condoned by the subsequent alleged offence of desertion by A.

(1) Assuming that A's application for desertion and neglect are dismissed, and B does not wish to revive the adultery, would the court then have to presume that D is a child of the marriage?

(2) (*a*) Should B prove that A is the deserting party, and revive the adultery, the court, it would appear, have no authority to entertain an application under the Guardianship of Infants Acts in respect of D. Is this so?

(*b*) Would the fact that the adultery occurred over six months ago, and in another area, oust jurisdiction for revival?

(3) Should A prove her case, would the court be entitled to make an order under (1) Summary Jurisdiction (Married Women) Acts, (2) Guardianship of Infants Acts, in respect of D?

I may add that both parties are too poor to afford legal aid.

S.U.L.

Answer.

(1) Yes. The child is presumed legitimate, because born during the continuance of the marriage unless non-access of the husband is proved.

(2) (*a*) This is so if non-access by the husband is proved, as no doubt it could be by service records. It is not enough merely to prove adultery.

(*b*) We know of no authority on this point, but we think the period of six months does not begin to run until the date when revival takes place, so that B will have six months, from the date when A's desertion began, in which to begin proceedings. We think there is a difficulty about the venue and that the court in whose area the alleged adultery took place is the court to which application should be made, *see* observations of Lord Merriman, P., in *Forsyth v. Forsyth* [1947] 1 All E.R. 406.

(3) Under either, so long as D is dealt with as a child of the marriage, as he must be if the presumption of legitimacy is not reversed by independent evidence of non-access by B. The Summary Jurisdiction (Separation and Maintenance) Acts enable courts to make orders in respect of children of the marriage and only such children. As to the Guardianship of Infants Acts, it is generally considered that these do not apply to illegitimate children except where the Acts specifically refer to them, though we do not think there is a clear cut decision on the point. Anyway, if B is proved not to be the father of D, B is not entitled to custody of D nor is he liable for maintenance.

4.—Licensing—*Application for new on-licence coupled with surrender of existing on-licence—Timing of "surrender"—Finance Act, 1947, s. 73.*

I would refer to the cases of *R. v. Amendt*; *R. v. Taylor* (1915) 79 J.P. 332, and *Carter v. Pickering* [1949] 1 All E.R. 340, 113 J.P. 130, also to s. 73 of the Finance Act, 1947, and I should be obliged by your opinion on the following points:—

In the case of *Carter v. Pickering*, if *R. v. Amendt* was then and still is good law, how could the justices consider Pickering's application for a "new" licence to deal with the matter. I contend that an application of this nature must be preceded by a surrender and acceptance by the justices of the existing licence. If successful the new licence will come into force on April 5, following the grant and confirmation. During this period the justices' certificate which is an authority to apply for an excise licence having been surrendered, the applicant would be debarred from sale of liquor by virtue of s. 65 of Licensing (Consolidation) Act, 1910. I am unable to see how this difficulty can be overcome, as even if the justices are willing to accept the old licence from the applicant on the condition that if his application for a new licence is unsuccessful it is returned, until the hearing is completed, s. 65 of the 1910 Act places him in peril.

NOE.

Answer.

In our opinion, the decisions in *R. v. Amendt*; *R. v. Taylor*, *supra*, are no longer reliable as authority to the extent that they are inconsistent with the machinery for giving full effect to the provisions of s.73 of the Finance Act, 1947.

The timing of the surrender of the on-licence to be given up does not fall to be settled by the licensing justices, but is expressed in subs. (1) of the section as "on or before the grant of an excise licence in pursuance of the new licence": this clearly accepts the situation that during the transition period two justices' licences may exist side by side, the one to be surrendered (at latest) when an excise licence is granted in pursuance of the other. There may not be in existence at the same time excise licences granted under the authority of two justices' licences—for this statement *R. v. Amendt*; *R. v. Taylor* is still authority.

Our correspondent's contention is that for which the appellant unsuccessfully contended in *Carter v. Pickering*, *supra*.

5.—Magistrates—*Practice and procedure—Committal for trial—Soldiers—Committed to military custody.*

At this court three handboys aged seventeen years and attached to a regiment stationed in this district were before the magistrates on charges of office breaking and storehouse breaking with intent to commit a felony and were committed to take their trial at the next quarter sessions in two months' time. The question arose as to what should be done with them in the meantime, having regard to their age and position. An officer who was present informed the court that the military authorities would be quite willing to take care of them, as bail would have been refused, whereupon the magistrates directed that the accused should be remanded into military custody until the date of their trial. Under the circumstances the question of bail was not considered to be necessary.

I shall be obliged if you will kindly let me have your opinion as to whether you consider this was the correct procedure to follow having regard to all the circumstances, taking into consideration the age of the accused and their position. SUS.

Answer.

What was done in the case seems to us perfectly reasonable and in the interest of the accused lads, but we think it would have been more strictly correct to take their own recognizances to appear at quarter sessions. Section 25 of the Indictable Offences Act, 1848, requires committing justices to commit the accused to the "common gaol or house of correction" or to admit him to bail. Handing an accused person into military custody is not authorized by the section, and therefore we think the lads should have been released on bail, the understanding that the military authorities would look after them being convenient but informal.

6.—Penalties—*Appropriation—Trades Union Act*, 1871, *s.* 12.

A trade union official was summoned under s. 12 of the Trades Unions Act, 1871, for wilfully withholding certain monies belonging to a trade union and an order was made by this court for him to repay the amount of the money applied improperly and to pay a further sum of ten pounds together with twenty shillings costs. It is suggested by the trade union that the penalty of £10 is payable to them. It is clear that this is a penalty on conviction as the section talks about "penalty and conviction" and I cannot see any provision in the Act for the fine to be paid to the union. It seems to me, therefore, it should go to the fees account, but as they feel otherwise I would like your opinion on the matter. SAY.

Answer.

We agree with our learned correspondent that as this is a penalty on conviction it is not payable to the trade union, but to the county or borough treasurer.

Possibly the contention of the trade union is that as the section refers to an order for repayment of a sum withheld, with a further sum and costs, this means that the further sum is to be paid to them together with the sum repayed. We do not think this is sound. The further sum appears to be a penalty on conviction, the section being partly civil and partly criminal, *see* 32 *Halsbury* 503-504.

7.—Road Traffic Acts—*Broken-up vehicle—Use of registration book to obtain certificate of insurance and petrol coupons—What offences are committed?*

A acquires a registration book for a motor car which has been broken-up. He goes to an insurance agent with the book and asks for and is given a certificate of insurance for the fictitious vehicle. A then uses the registration book and the certificate to obtain basic ration coupons.

(i) Can A be charged with using motor fuel acquired for one vehicle in another?

(ii) Can he also be charged with making a false declaration to obtain a certificate of insurance?

(iii) Has the insurance agent committed any offence in failing to take proper steps to ensure that he was issuing a certificate for an existing motor car? J.A.R.

Answer.

The facts are given very briefly, but on the assumptions noted:—

(i) Yes, under art. 5 (2) (d) of the Motor Fuel (Control) Order, 1948. (We assume there is evidence of the use in another vehicle of petrol obtained by the surrender of the coupons in question.)

(ii) Yes, under s. 112 (2) of the Road Traffic Act, 1930. (We assume that the normal application form was completed by A before the certificate was issued to him.)

(iii) We think not. He would be entitled to assume that the application was a *bona fide* one. It is not usual, so far as we are aware, for insurance agents to ask to see the car in question.

8.—Town and Country Planning Act, 1947; s. 33—*Field in regular use—Unsightly accumulation not connected with use.*

A is the owner of a field which he uses for a riding school. The field is surrounded by a wall and in the field along the boundary wall A has accumulated a quantity of scrap metal. The accumulation is visible from an adjoining highway and is, in the opinion of the local planning authority, an eyesore. It should be explained that the scrap metal is accumulated round the edges of the field, and the accumulation is not such that the field can be regarded as a scrap metal dump necessitating permission for change of user under s. 12 of the Town and Country Planning Act, 1947. Section 33 (1) of the Act states:—

"If it appears to a local planning authority that the amenity of any part of the area of that authority . . . is seriously injured by the condition of any garden, vacant site, or other open land in their area then . . . the authority may serve upon the owner and occupier of the land . . . a notice requiring such steps for abating the injury as may be specified in the notice to be taken within such period as may be so specified."

Construing the section strictly it seems that it applies only when the land itself is in such a condition (owing, for instance, to an overgrowth of weeds) that the amenities of the area are seriously injured and that it has no application when a particular use of land (which itself is maintained in a tidy condition) causes serious injury to the amenities. My own view that the section should be construed strictly seems to be supported by the explanatory memorandum on the Town and Country Planning Act, 1947, which states at p. 26 that "Section 33 enables local planning authorities to take action against land which has become an eyesore through neglect." Your views will be greatly appreciated as to whether the local planning authority can use the machinery of s. 33 to compel A to remove the scrap metal from the field and, if the answer is in the negative, can you suggest any action that can be taken against A? A. NEATANTIDY.

Answer.

Section 33 is lossely worded; the ground to which it applies is called "waste land" in the marginal note. This expression does not occur in the section, but the better opinion seems to us to be that it does not apply to a field in regular use, even though the accumulation of which complaint is made is not connected with that use. We can not suggest any other statutory power.

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